IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 906 OF 2006

Navratri Prasad Construction and Anr. .....Petitioners

Versus

The State of Maharashtra and Ors. ....Respondent

Mr. P.M. Pradhan for the petitioners.
Mr. P.I. Khemani, Assistant Government Pleader, for respondent No.1.

CORAM: **V.G. PALSHIKAR, Ag. C.J., &**
SMT. NISHITA MHATRE, J.

DATE: **FEBRUARY 20, 2006**.

P.C.

By this petition, the petitioners have challenged the communication dated 5th December, 2005, by which fresh tenders are proposed to be called. The petitioners, who were awarded work contract, earlier in the year 1998 were not able to fulfil the contract during the stipulated period and, therefore, fresh tenders are now being called which proposal indicates that money spent by the petitioners was also refunded to them. Apart from that, adequate remedies for breach of contract and similar reliefs are available to the petitioners. Whether the petitioners were negligent or not is a pure question of fact which has to be proved as a fact. In such circumstances, we do not feel it just

and proper to exercise our jurisdiction under Article 226 of the Constitution of India. Petition is rejected.

Certified copy expedited.